

IC 25-24-3

Chapter 3. Optometric Legend Drugs

IC 25-24-3-0.3

Treatment of rules adopted by optometric legend drug prescription advisory committee

Sec. 0.3. The rules adopted by the optometric legend drug prescription advisory committee under IC 25-26-15-13 (before its repeal by P.L.157-2006) before July 1, 2006, and in effect on June 30, 2006, shall be treated after June 30, 2006, as the rules of the Indiana optometry board under this chapter, as added by P.L.157-2006.

As added by P.L.220-2011, SEC.410.

IC 25-24-3-1

"Associated structures of the eye" defined

Sec. 1. As used in this chapter, "associated structures of the eye" means the:

- (1) eyelids;
- (2) eyebrows;
- (3) conjunctiva;
- (4) lachrymal apparatus; and
- (5) orbital tissues.

As added by P.L.157-2006, SEC.65.

IC 25-24-3-2

"Administer" defined

Sec. 2. As used in this chapter, "administer" means the direct application of a legend drug by an optometrist to a patient.

As added by P.L.157-2006, SEC.65.

IC 25-24-3-3

"Board" defined; treatment of references to optometric legend drug prescription advisory committee

Sec. 3. (a) As used in this chapter, "board" means the Indiana optometry board established by IC 25-24-1-1.

(b) Any reference in a law, a rule, a license, a registration, a certification, or an agreement to the optometric legend drug prescription advisory committee shall be treated after June 30, 2006, as a reference to the board.

As added by P.L.157-2006, SEC.65. Amended by P.L.220-2011, SEC.411.

IC 25-24-3-4

"Diagnostic legend drug" defined

Sec. 4. As used in this chapter, "diagnostic legend drug" means a pharmacological agent approved by the board that is used in the examination of the human eye to detect abnormalities.

As added by P.L.157-2006, SEC.65.

IC 25-24-3-5**"Dispense" defined**

Sec. 5. As used in this chapter, "dispense" means to deliver a legend drug to an ultimate user by or pursuant to a lawful order of an optometrist. The term includes the:

- (1) prescribing;
- (2) administering;
- (3) packaging;
- (4) labeling; or
- (5) compounding;

necessary to prepare the drug for delivery.

As added by P.L.157-2006, SEC.65.

IC 25-24-3-6**"Legend drug" defined**

Sec. 6. As used in this chapter, "legend drug" has the meaning set forth in IC 16-18-2-199. The term does not include controlled substances (as defined in IC 35-48-1-9).

As added by P.L.157-2006, SEC.65.

IC 25-24-3-7**"Optometrist" defined**

Sec. 7. As used in this chapter, "optometrist" means an individual licensed as an optometrist under IC 25-24-1.

As added by P.L.157-2006, SEC.65.

IC 25-24-3-8**"Prescription" defined**

Sec. 8. As used in this chapter, "prescription" means a written order or an order transmitted by other means of communication that is immediately reduced to writing by the pharmacist or, for electronically transmitted orders, recorded in an electronic format from an optometrist to or for an ultimate user for a drug or device, containing:

- (1) the name and address of the patient;
- (2) the date of issue;
- (3) the name and strength or size (if applicable) of the drug or device;
- (4) the amount to be dispensed (unless indicated by directions and duration of therapy);
- (5) adequate directions for the proper use of the drug or device by the patient;
- (6) the name and certification number of the prescribing optometrist; and
- (7) if the prescription:
 - (A) is in written form, the signature of the optometrist; or
 - (B) is in electronic form, the electronic signature of the optometrist.

As added by P.L.157-2006, SEC.65.

IC 25-24-3-9

"Therapeutic legend drug" defined

Sec. 9. As used in this chapter, "therapeutic legend drug" means a pharmacological agent that is used in the treatment of a diagnosed condition of the:

- (1) human eye; or
- (2) associated structures of the human eye.

As added by P.L.157-2006, SEC.65.

IC 25-24-3-10

Duties of board

Sec. 10. The board shall do the following:

- (1) Adopt rules under IC 4-22-2 to do the following:
 - (A) Establish a formulary of legend drugs that may be prescribed, dispensed, or administered by an optometrist.
 - (B) Set fees described in IC 25-1-8.
 - (C) Carry out this chapter.
- (2) Establish education and training requirements in ocular pharmacology required for certification to do the following:
 - (A) Administer therapeutic legend drugs.
 - (B) Dispense legend drugs.
 - (C) Prescribe legend drugs.
- (3) Establish continuing education requirements for renewal of the certificate issued under this chapter.

As added by P.L.157-2006, SEC.65.

IC 25-24-3-11

Formulary requirements; dependently and independently prescribed legend drugs

Sec. 11. (a) The formulary established under section 10 of this chapter shall include legend drugs that:

- (1) may be independently prescribed by an optometrist; or
 - (2) must be dependently prescribed by an optometrist.
- (b) If a legend drug is designated in the formulary as one (1) that must be dependently prescribed, the formulary must designate:
- (1) those legend drugs for which the optometrist must only notify the patient's physician that the optometrist is prescribing the legend drug; and
 - (2) those legend drugs for which the optometrist must consult with the patient's physician before prescribing the legend drug.
- (c) If the patient has no physician, the optometrist must document such in the patient's file.
- (d) If the legend drug is designated in the formulary as a legend drug that must be dependently prescribed, the optometrist shall indicate on the prescription that:
- (1) the patient's physician has been contacted; or
 - (2) the patient has indicated to the optometrist that the patient has no physician.
- (e) If the legend drug is designated in the formulary as a legend drug that may be independently prescribed, the optometrist may

prescribe the legend drug without notifying the patient's physician.
As added by P.L.157-2006, SEC.65. Amended by P.L.1-2007, SEC.178.

IC 25-24-3-12

Certificate issuance

Sec. 12. The board shall issue a certificate to a licensed optometrist who:

- (1) applies; and
- (2) successfully fulfills all the requirements of this chapter.

As added by P.L.157-2006, SEC.65.

IC 25-24-3-13

Application requirements

Sec. 13. An optometrist who applies for a certificate to administer, dispense, and prescribe legend drugs must meet the following requirements:

- (1) Apply in the form and manner prescribed by the board.
- (2) Provide proof of education in ocular pharmacology from a school or college of optometry or medicine approved by the optometry board.
- (3) Pass the Treatment and Management of Ocular Disease (TMOD) examination that is sponsored by the International Association of Boards of Examiners in Optometry (IAB) and administered by the National Board of Examiners in Optometry.
- (4) Pay the fee established by the board.

As added by P.L.157-2006, SEC.65.

IC 25-24-3-14

Optometry license required to hold certificate

Sec. 14. An applicant must hold a license to practice optometry in order to hold a certificate.

As added by P.L.157-2006, SEC.65.

IC 25-24-3-15

Certificate renewal

Sec. 15. The board shall renew a certificate issued under this chapter:

- (1) concurrently with the renewal of the optometrist's license to practice optometry;
- (2) upon payment of the renewal fee established by the board; and
- (3) upon completion of continuing education requirements established under section 10 of this chapter.

As added by P.L.157-2006, SEC.65.

IC 25-24-3-16

Diagnostic legend drugs; therapeutic legend drugs

Sec. 16. (a) Optometrists may administer topical diagnostic legend drugs limited to:

- (1) miotics;
- (2) mydriatics;
- (3) anesthetics; and
- (4) cycloplegics;

without holding a certificate issued under this chapter. These pharmaceutical agents may be applied in diagnostic procedures only as a part of an examination of the eye.

(b) The board may authorize an optometrist holding a certificate issued under this chapter to:

- (1) administer for therapeutic use;
- (2) dispense; or
- (3) prescribe;

legend drugs that are included in the formulary established by the board under section 10 of this chapter, in the treatment of any condition of the eye or the associated structures of the eye.

As added by P.L.157-2006, SEC.65.

IC 25-24-3-17

Penalties for noncompliance

Sec. 17. (a) An optometrist may not:

- (1) administer, dispense, or prescribe therapeutic legend drugs;
or
- (2) dispense or prescribe diagnostic legend drugs;

unless the optometrist is certified under this chapter.

(b) An optometrist may administer diagnostic legend drugs without obtaining a certificate under this chapter.

(c) An individual who recklessly, knowingly, or intentionally violates this chapter commits a Class A misdemeanor.

As added by P.L.157-2006, SEC.65.